HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 1475 OF 2007

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Between:

Roshan Kumar Jain & another

.... Petitioners

AND

Municipal Corporation of Hyderabad,
Rep. by its Commissioner,
Hyderabad & another

.....Respondents

:: O R D E R ::

Counsel for the petitioners : Shri K.K. Waghray

Counsel for the respondents : Shri G. Rama Rao

Dated: 31.01.2007

Per G.S.SINGHVI, CJ

This petition is directed against notice dated 22.11.2006 issued by Municipal Corporation of Hyderabad under Section 636 of the Hyderabad Municipal Corporations Act, 1955 proposing to remove the illegal construction raised by the petitioners in properties bearing Municipal Nos.2-2-1167/8/12 and 13, Tilak Nagar, Hyderabad.

After hearing learned counsel for the petitioners for some time and perusing the record, we indicated to him that this petition is liable to be dismissed with costs by being treated as a piece of frivolous litigation because civil suit filed by the petitioners against the owner of the property, namely Smt. H. Shakuntala Reddy (respondent No.2 herein) and Municipal Corporation of Hyderabad (respondent No.1 herein), which stands registered as O.S.No.94 of 2006, is pending in the Court of Chief Judge, City Civil Court, Hyderabad and the notice impugned in the writ petition has been issued in furtherance of observations made by the trial Court in its order dated 30.05.2006 passed in I.A.No.252 of 2006.

Faced with the distinct possibility of an adverse order being passed by this Court, learned counsel for the petitioners made a request that his clients may be permitted to withdraw the writ petition with liberty to pursue their remedies before the civil Court.

Shri G. Rama Rao, learned counsel for respondent No.1 says that he does not have any objection.

In view of the above, the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to dismissal of the writ petition, W.P.M.P.No.1876 of 2007 filed by the petitioners for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

31.01.2007
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